

REMARKS

The present application was originally filed with 11 Claims. In a Restriction Requirement mailed August 7, 2003, the Examiner has restricted the Claims into four Groups, with Claims 1-2, drawn to a chimeric polypeptide comprising a PhoD secretion signal derived from *B. subtilis* in Group I; Claims 1-2, drawn to a chimeric polypeptide comprising a LipA secretion signal derived from *B. subtilis* in Group II; Claims 3-11, drawn to nucleic acids encoding a chimeric polypeptide comprising a PhoD secretion signal derived from *B. subtilis*, cells comprising the same, and use thereof, in Group III; and Claims 3-11, drawn to nucleic acids encoding a chimeric polypeptide comprising a LipA secretion signal derived from *B. subtilis*, cells comprising the same, and use thereof, in Group IV. In a Response filed August 22, 2003, Applicants elected (with traverse) the Claims in Group III (Claims 3-11) directed toward nucleic acids encoding a chimeric polypeptide comprising a PhoD secretion signal, and cancelled Claims 1-2. Thus, Claims 3-11 were pending in the present application.

The Examiner indicates that the Sequence Listing was not filed and that new drawings are required. However, Applicants submitted the Sequence Listing in hard copy and computer-readable format on September 17, 2001, along with a set of Formal Drawings. As these materials apparently were not incorporated into the file at the U.S. Patent Office, new Sequence Listing materials and Figures are being submitted with this Response.

Applicants thank the Examiner for acknowledging the filing of the Information Disclosure Statements. Applicants also thank the Examiner for noting the typographical error in the priority claim. Applicants have amended the Specification to indicate the correct year. Applicants also provide replacement Tables for Tables I and IV (pages 56 and 59, respectively), that clearly show the complete sequences.

The Examiner has rejected Claims 3-11 under 35 U.S.C. §112, first paragraph, as allegedly not complying with the written description requirement. These Claims also stand rejected under 35 U.S.C. §112, first paragraph, as allegedly not being enabled. Applicants must respectfully disagree.

The Examiner admits that the present invention provides "a novel twin-arginine translocation system in *B. subtilis* that is useful for the expression and secretion of polypeptides in *B. subtilis* and *E. coli*." (Office Action, page 5). However, the Examiner indicates that the Claims do not provide sufficient basis for one of skill in the art to envision other embodiments of a PhoD signal sequence that would be operative in their system for TatAd/Cd-dependent secretion of proteins in bacterial cells. The Examiner further indicates that the Specification does not provide embodiments of a PhoD signal sequence that will function to transport

proteins across a bacterial cell membrane. While Applicants believe that sufficient support is provided in the Specification for the originally filed Claims, Applicants have amended the Claims to more particularly recite the elements of a *Bacillus subtilis* phosphodiesterase PhoD signal sequence. These amendments are made solely in order to further Applicants' business interests and the prosecution of the present application, yet without acquiescing to the Examiner's arguments. Applicants reserve the right to pursue the originally filed and/or broader Claims in one or more additional applications.

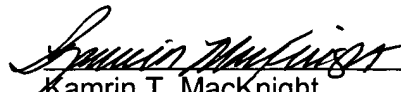
In regards to enablement, the Examiner argues that the Specification does not reasonably provide enablement for embodiments other than that wherein the host cell is a bacterial cell overexpressing the *B. subtilis* TatAd/Cd proteins and wherein the PhoD signal sequence is the *B. subtilis* signal sequence. While Applicants must respectfully disagree, as indicated above, the present amendments are made in order to further Applicants' business interests and the prosecution of the present application, yet without acquiescing to the Examiner's arguments. Applicants reserve the right to pursue the originally filed and/or broader Claims in one or more additional applications. Applicants respectfully submit that the amended Claims are in condition for allowance.

CONCLUSION

In light of the above amendments and remarks, Applicants believe that the pending claims are in condition for allowance and issuance of a formal Notice of Allowance at an early date is respectfully requested. If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (650) 846-5838.

Respectfully submitted,

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